

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

U.S. SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

BRIAN H. STOKER,

Defendant.

Case No. 11-CIV-7388 (JSR)

BRIAN H. STOKER'S NOTICE OF MOTION TO DISMISS COMPLAINT

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendant Brian H. Stoker will move this Court for an order dismissing the Complaint of the United States Securities and Exchange Commission.

This motion is based upon this Notice of Motion, the Memorandum in Support of Motion to Dismiss, the Declaration of Jan Nielsen Little in Support of Motion to Dismiss, all pleadings and papers on file in this action, and upon such further oral and written argument and evidence as may be presented at or prior to the hearing of this matter.

Pursuant to the Court's Order of November 15, 2011, as amended, any opposing memoranda of law shall be served by January 6, 2012, and any reply memoranda of law shall be served by January 13, 2012. Oral argument is set for January 25, 2012, at 4:00 p.m.

Dated: December 16, 2011

Respectfully submitted,

By: /s/ Jan Nielsen Little

JOHN W. KEKER (admitted *pro hac vice*)
JAN NIELSEN LITTLE (admitted *pro hac vice*)
STEVEN K. TAYLOR (admitted *pro hac vice*)
BROOK DOOLEY (admitted *pro hac vice*)
KEKER & VAN NEST LLP
633 Battery Street
San Francisco, CA 94111-1809
Telephone: (415) 391-5400
Facsimile: (415) 397-7188
Email: jkeker@kvn.com
Email: jlittle@kvn.com
Email: staylor@kvn.com
Email: bdooley@kvn.com

Attorneys for Defendant
BRIAN H. STOKER